REMARKS:

Claims 39-74 are currently pending in the application.

Claims 1-38 have been canceled herewith, without *prejudice*.

Claims 39-74 have been added herewith.

Claims 1-38 are objected to because of certain informalities.

Claim 38 stands rejected under 35 U.S.C. § 112, second paragraph.

Claims 1, 4-6, 8, 9, 13, 16-18, 20, 21, 25, 28-30, 32, 33, 37, and 38 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,996,589 to Jayaram et al. (*"Jayaram"*).

Claims 10-12, 22-24, and 34-36 stand rejected under 35 U.S.C. § 103(a) over *Jayaram*.

Claims 7, 19, and 31 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* in view of U.S. Patent No. 6,996,589 to Jennyc et al. (*"Jennyc"*).

Claims 2, 14, and 26 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* in view of U.S. Publication No. 2002/0046301 to Shannon et al. (*"Shannon"*).

Claims 3, 15, and 27 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* in view of U.S. Patent No. 6,381,709 to Casagrande et al. (*"Casagrande"*).

Applicants respectfully submit that all of Applicants arguments and amendments are without prejudice or disclaimer. In addition, Applicants have merely discussed example distinctions from the cited prior art. Other distinctions may exist, and as such, Applicants reserve the right to discuss these additional distinctions in a future Response or on Appeal, if appropriate. Applicants further respectfully submit that by not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are considered sufficient to overcome the Examiner's rejections. In addition, Applicants reserve the right to pursue broader claims in this Application or through a continuation patent application. No new matter has been added.

<u>**REJECTION UNDER 35 U.S.C. § 102(a):**</u>

Claims 1, 4-6, 8, 9, 13, 16-18, 20, 21, 25, 28-30, 32, 33, 37, and 38 stand rejected under 35 U.S.C. § 102(e) over *Jayaram.*

Anticipation is a question of fact. *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628,631 (Fed. Cir. 1987). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991).

Applicants respectfully submit that by canceling Claims 1-38 Applicants *rendered moot the Examiner's rejection of these claims and the Examiner's arguments in support of the rejection of these claims.* Applicants further respectfully submit that new Claims 39-74 contain unique and novel limitations that are not taught, suggested, or even hinted at in *Jayaram.* Thus, Applicants respectfully submit that Claims 39-74 patentably distinguish over *Jayaram.*

***Jayaram* Fails to Disclose, Teach, or Suggest Various Limitations Recited in Applicants Claims**

For example, with respect to Claim 39, this claim recites:

> A *computer-implemented system for providing bulk data transfers between one or more data stores*, comprising:
> a data integration server coupled with the one or more data stores, the data integration server comprising:
> a *plurality of programmatic source interfaces coupled with one or more source data stores*, wherein the plurality of programmatic source interfaces are defined according to a source interface specification and are *exposed during a bulk data transfer, one or more data entities are extracted* from the one or more source data stores; and
> a *plurality of programmatic target interfaces coupled with one or more target data stores*, wherein the plurality of programmatic target interfaces are defined according to a target interface specification and are *exposed during the bulk data transfer*, one or more of the extracted data entities are loaded into the one or more target data stores.

(Emphasis added). In addition, *Jayaram* fails to disclose each and every limitation of Claims 51 and 63.

Applicants respectfully submit that *Jayaram* fails to disclose Claim 39 limitations regarding a "***data integration server*** coupled with the one or more data stores" comprising "a ***plurality of programmatic source interfaces coupled with one or more source data stores***, wherein the plurality of programmatic source interfaces are defined according to a source interface specification and are ***exposed during a bulk data transfer, one or more data entities are extracted*** from the one or more source data stores."

For example, *Jayaram* merely discloses that "***source data (225)*** may have to be ***formatted according to a predefined format***" prior to being "processed by the database conversion engine (250)." (Column 11, Lines 1-5). (Emphasis Added). However, even though the "***source data (225)***" may have to be formatted and even though the "***source data (225)***" may have to be "processed by the database conversion engine (250)", this ***does not include, involve, or even relate to a plurality of programmatic source interfaces coupled with one or more source data stores***, wherein the plurality of programmatic source interfaces are defined according to a source interface specification and are ***exposed during a bulk data transfer, one or more data entities are extracted*** from the one or more source data stores, as recited in Claim 39. (Column 11, Lines 1-5). (Emphasis Added).

Applicants respectfully submit that ***the question is not simply whether*** *Jayaram* describes a "***programmatic source interface***" which it does not, it clearly does not, ***but whether*** *Jayaram* describes a "***programmatic source interface coupled with one or more source data stores***, wherein the plurality of programmatic source interfaces are defined according to a source interface specification and are ***exposed during a bulk data transfer, one or more data entities are extracted*** from the one or more source data stores," as required by Claim 39.

As noted above, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628,631 (Fed. Cir. 1987). ***Jayaram does not expressly describe a programmatic source interface***, in fact ***Applicants find no express description of a***

programmatic source interface in *Jayaram*, of any kind. Accordingly, to anticipate Claim 39, *Jayaram* must inherently describe the claimed "*programmatic source interface.*"

To the extent that *Jayaram* **might expose a programmatic source interface or might extract data entities for loading into one or more selected target data stores** and therefore *Jayaram* **might** inherently represent a "*programmatic source interface,*" "[i]nherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present, in the prior art." Trintec Indus., Inc. v. Top-US.A. Corp., 295 F.3d 1292, 1295 (Fed. Cir. 2002) (quoting In re Robertson, 169 F.3d 743, 745 (Fed. Cir. 1999)). **Applicants are unable to discern from Jayaram** that a "*programmatic source interface*" is necessarily present in *Jayaram*. **While it may be possible**, "[i]nherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Hansgirg v. Kemmer*, 102 F.2d 212, 214 (CCPA 1939), quoted in *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1269 (Fed. Cir. 1991).

Furthermore, as noted above, **the question is not merely whether** *Jayaram* describes a "*programmatic source interface*" **but** whether *Jayaram* describes a "*programmatic source interface coupled with one or more source data stores*, wherein the plurality of programmatic source interfaces are defined according to a source interface specification and are **exposed during a bulk data transfer, one or more data entities are extracted** from the one or more source data stores," as described in Claim 39.

Accordingly, *Jayaram* **does not inherently describe** a "*programmatic source interface*" as defined in Claim 39.

Thus, Applicant respectfully submits that the Office Action fails to establish a *prima facie* case of anticipation of Claim 39 under 35 U.S.C. § 102 with respect to *Jayaram* because *Jayaram* fails to expressly or inherently describe a "*programmatic source interface,*" as claimed in Claim 39. Applicant further respectfully submits that this distinction alone is sufficient to patentably distinguish Claim 39 from *Jayaram*.

Applicants further respectfully submit that *Jayaram* fails to disclose Claim 39 limitations regarding a "*data integration server* coupled with the one or more data stores" comprising "*a*

plurality of programmatic target interfaces coupled with one or more target data stores, wherein the plurality of programmatic target interfaces are defined according to a target interface specification and are *exposed during the bulk data transfer*, one or more of the extracted data entities are loaded into the one or more target data stores."

For example, the above-cited portion of *Jayaram* merely discloses that *"target data (505)"* is merely produced by applying "mapping instructions (260)" to the "source data (225)". (Column 11, Lines 5-11). (Emphasis Added). However, even though the "mapping instructions (260)" may be applied to the "source data (225)" and even though *"target data (505)"* may be produced, this *does not include, involve, or even relate to a plurality of programmatic target interfaces coupled with one or more target data stores*, wherein the plurality of programmatic target interfaces are defined according to a target interface specification and are *exposed during the bulk data transfer*, one or more of the extracted data entities are loaded into the one or more target data stores, as recited in Claim 39. (Column 11, Lines 5-11). (Emphasis Added).

Applicants respectfully submit that *the question is not simply whether* Jayaram describes a *"programmatic target interface"* which it does not, it clearly does not, *but whether* Jayaram describes a *"programmatic target interface coupled with one or more target data stores*, wherein the plurality of programmatic target interfaces are defined according to a target interface specification and are *exposed during the bulk data transfer*, one or more of the extracted data entities are loaded into the one or more target data stores," as required by Claim 39.

As noted above, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628,631 (Fed. Cir. 1987). *Jayaram does not expressly describe a programmatic target interface*, in fact *Applicants find no express description of a programmatic target interface* in *Jayaram*, of any kind. Accordingly, to anticipate Claim 39, *Jayaram* must inherently describe the claimed *"programmatic target interface."*

To the extent that *Jayaram might expose a programmatic target interface or might load one or more of the extracted data entities into one or more target data stores* and therefore *Jayaram might* inherently represent a *"programmatic target interface,"* "[i]nherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or

possibly present, in the prior art." Trintec Indus., Inc. v. Top-US.A. Corp., 295 F.3d 1292, 1295 (Fed. Cir. 2002) (quoting In re Robertson, 169 F.3d 743, 745 (Fed. Cir. 1999)). **_Applicants are unable to discern from Jayaram_** that a **_"programmatic target interface"_** is necessarily present in _Jayaram_. **_While it may be possible_**, "[i]nherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." _Hansgirg v. Kemmer_, 102 F.2d 212, 214 (CCPA 1939), quoted in _Continental Can Co. USA v. Monsanto Co._, 948 F.2d 1264, 1269 (Fed. Cir. 1991).

Furthermore, as noted above, **_the question is not merely whether_** _Jayaram_ describes a **_"programmatic target interface"_** **_but_** whether _Jayaram_ describes a **_"programmatic target interface coupled with one or more target data stores_**, wherein the plurality of programmatic target interfaces are defined according to a target interface specification and are **_exposed during the bulk data transfer_**, one or more of the extracted data entities are loaded into the one or more target data stores," as described in Claim 39.

Accordingly, _Jayaram_ **_does not inherently describe_** a **_"programmatic target interface"_** as defined in Claim 39.

Thus, Applicant respectfully submits that the Office Action fails to establish a _prima facie_ case of anticipation of Claim 39 under 35 U.S.C. § 102 with respect to _Jayaram_ because _Jayaram_ fails to expressly or inherently describe a **_"programmatic target interface,"_** as claimed in Claim 39. Applicant further respectfully submits that this distinction alone is sufficient to patentably distinguish Claim 39 from _Jayaram_.

Thus, Applicants respectfully submit that _Jayaram_ fails to identically disclose each and every element of Applicants claims, arranged as they are in Applicants claims. Applicants further respectfully submit that these distinctions alone are sufficient to patentably distinguish Claim 39 from _Jayaram_.

Applicants Claims are Patentable over _Jayaram_

Claims 51 and 63 are considered patentably distinguishable over _Jayaram_ for at least the reasons discussed above in connection with Claim 39.

Furthermore, with respect to dependent Claims 40-50, 52-62, and 64-74: Claims 4-6, 8, and 9 depend from Claim 39; Claims 52-62 depend from Claim 51; and Claims 64-74 depend from Claim 63 and are also considered patentably distinguishable over *Jayaram*. Thus, dependent Claims 40-50, 52-62, and 64-74 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

Thus, for at least the reasons set forth herein, Applicants respectfully submit that Claims 39-74 are not anticipated by *Jayaram*. Applicants further respectfully submit that Claims 39-74 are in condition for allowance. Thus, Applicants respectfully request that Claims 39-74 be allowed.

REJECTION UNDER 35 U.S.C. § 103(a):

As mentioned above, each of Claims 39, 51 and 63 are considered patentably distinguishable over *Jayaram*. Thus, dependent Claims 40-50, 52-62, and 64-74, which depend therefrom, are also considered to be in condition for allowance for at least the reason of depending from an allowable claim.

CONCLUSION:

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Although Applicants believe no fees are deemed to be necessary; the undersigned hereby authorizes the Director to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

23 May 2009   /Steven J. Laureanti/signed
Date   Steven J. Laureanti, Registration No. 50,274

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